REMARKS

Claims 1-6 and 8-15 are pending in the application, with claims 3, 4, and 7 having been withdrawn from consideration by the Examiner. By this Reply, claims 1, 8, 10, and 12-14 are amended, claim 7 is canceled, and new claim 15 is added. No new matter is added.

Initially, Applicant notes that the Examiner has made the election of species requirement final. Nonetheless, Applicant reserves the right to petition the propriety and/or finality of the election of species. Moreover, withdrawn claims 3 and 4 depend from independent claim 1 and should be re-joined for examination upon an indication of allowability of claim 1.

Claims 10, 12, and 14 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant has amended claims 10, 12, and 14 to remove the term "standard diameter." Accordingly, Applicant submits that claims 10, 12, and 14 comply with § 112, second paragraph, and the rejection under § 112 should be withdrawn.

Claims 1, 2, 5, and 8 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,401,249 to Shields (Shields). In addition, claims 6 and 9 were rejected under 35 U.S.C. § 103(a) over Shields in view of U.S. Patent No. 4,923,446 to Page et al. (Page). Applicant respectfully traverses these rejections.

Regarding independent claim 1, Shields does not disclose or suggest a syringe including, *inter alia*, a barrel comprising (1) a narrow barrel portion and a wide barrel portion, wherein the narrow barrel portion is configured to be coupled to a needle hub, and (2) a plunger comprising a narrow plunger portion and a wide plunger portion,

wherein the narrow plunger portion is sized to sealingly engage and move within the narrow barrel portion.

Instead, Shields discloses a syringe 11 comprising a plunger 12 having a piston 14 and a tapered leading end 15. The tapered leading end 15 is not a narrow barrel portion as alleged by the Examiner. It appears that the Examiner is referring to numeral 15 of FIG. 4, which is not described anywhere in the Shields patent, but appears to be designating the tapered leading end 18 of the syringe 11. In any event, the syringe 11 has substantially the same barrel along most of its length, until reaching the tapered leading end 18. Shields also discloses a needle hub 19 configured to receive the tapered leading end 15 of the piston 14 so that the piston 14 can withdraw the needle hub 19 into the syringe 11 for safety purposes.

While the tapered leading end 15 may move within the tapered leading end 18 of the syringe 11, the tapered leading end 15 does not sealingly engage the tapered leading end 18 of the syringe 11. Further, although the tapered leading end 15 may move within the needle hub 19, the needle hub 19 is not configured to be coupled to a needle hub – it is the needle hub. Therefore, Shields does not disclose or suggest a narrow barrel portion configured to be coupled to a needle hub and a narrow plunger portion sized to sealingly engage and move within the narrow barrel portion, as recited in claim 1. Accordingly the § 102 rejection of claim 1 should be withdrawn.

Regarding independent claim 8, Shields does not disclose or suggest a syringe including, *inter alia*, a barrel comprising a narrow barrel portion adjacent the proximal end of the barrel, the narrow barrel portion having a substantially constant diameter over its length, a wide barrel portion adjacent a distal end of the barrel, the wide barrel

portion having a substantially constant diameter over its length, the diameter of the wide barrel portion being substantially larger than the diameter of the narrow barrel portion, and a tapered barrel portion connecting the narrow and wide barrel portions.

To the contrary, as discussed above, Shields discloses a syringe 11 having substantially the same barrel along most of its length, until reaching the tapered leading end 18. The syringe 11 does not include a second barrel portion having a diameter substantially smaller than the remainder of the syringe 11. Therefore, Shields does not disclose a barrel having a wide barrel portion, a narrow barrel portion, and a tapered barrel portion, as recited in claim 8. According, the § 102 rejection of claim 8 should be withdrawn.

Page does not overcome the above-noted deficiencies of Shields. Page is relied upon only for its alleged teaching of a shield in slideable engagement with a barrel. Accordingly, claims 1 and 8 are patentable over the alleged combination of Shields in view of Page for the same reasons they are allowable over Shields.

Claims 2, 5, 6, and 9 depend from either claim 1 or claim 8 and are therefore allowable for at least the reasons that claim 1 or claim 8 is allowable, as well as for their added features. Accordingly the §§ 102 and 103 rejections of claims 2, 5, 6, and 9 should be withdrawn.

Claim 10 was rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,936,315 to Lineback (Lineback). In addition, claim 11 was rejected under 35 U.S.C. § 103(a) over Lineback in view of Page. Applicant respectfully traverses these rejections.

Regarding independent claim 10, Lineback does not disclose or suggest a syringe having a common desired diameter within a syringe family, wherein the syringe

includes, *inter alia*, a barrel and a false barrel surrounding the barrel and disposed at a proximal end of the barrel, wherein the false barrel is fixedly coupled to the barrel and has an outside diameter that is substantially equal to the desired diameter for the syringe family.

Instead, Lineback discloses a syringe 12 slidably positioned within a larger, distal syringe 16 such that the syringe 12 acts as a plunger with respect to the distal syringe 16. Thus, the distal syringe 16 is not fixedly coupled to the syringe 12, and Lineback therefore fails to disclose or suggest a false barrel fixedly coupled to the barrel, as recited in claim 10. Accordingly, the § 102 rejection of claim 10 should be withdrawn.

Page does not overcome the above-noted deficiencies of Lineback. Page is relied upon only for its alleged teaching of a shield in slideable engagement with a barrel. Accordingly, claim 10 is patentable over the alleged combination of Lineback in view of Page for the same reasons they are allowable over Lineback.

Claim 11 depends from claim 10 and is thus allowable for at least the reasons that claim 10 is allowable, as well as for its added features. Accordingly the § 103 rejection of claim 11 should be withdrawn.

Claims 12 and 13 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,099,500 to Dysarz (Dysarz). In addition, claim 14 was rejected under 35 U.S.C. § 103(a) over Dysarz in view of Lineback. Applicant respectfully traverses these rejections.

Regarding independent claim 12, Dysarz does not disclose or suggest a syringe family including, *inter alia*, two or more syringes wherein at least one of the two or more syringes has a barrel comprising a narrow barrel portion adjacent the proximal end of

the barrel, a wide barrel portion adjacent a distal end of the barrel, the wide barrel portion having a diameter that is substantially larger than the diameter of the narrow barrel portion, and a plunger slidable within the narrow and wide barrel portions.

Instead, Dysarz discloses one syringe module 12 having a first size syringe barrel 2 and another syringe module 12' having a different size syringe barrel 2'. The modules 12, 12' are both configured to be coupled with a needle cannula 3. In the case of the wide module 12, the needle cannula 3 is connected via a syringe connector 6. However, the syringe connector 6 is not a barrel portion and cannot slidably receive a plunger. Thus, neither syringe module 12, 12' has a wide barrel portion and a narrow barrel portion with a plunger slidable within the narrow and wide barrel portions, as recited in claim 12. Accordingly, the § 102 rejection of claim 10 should be withdrawn.

Lineback does not overcome the above-noted deficiencies of Dysarz. Lineback is relied upon only for its alleged teaching of a barrel surrounded by a false barrel, which for the reasons discussed above is not appropriate. Accordingly, claim 12 is patentable over the alleged combination of Dysarz in view of Lineback for the same reasons they are allowable over Dysarz.

Claim 14 depends from claim 12 and is therefore allowable for at least the reasons that claim 12 is allowable, as well as for its added features. Accordingly the § 103 rejection of claim 14 should be withdrawn.

Additionally, new independent claim 15 and claim 13, which depends therefrom, are allowable for at least reasons similar to those discussed above in connection with claim 10, as well as for their own unique features.

In view of the foregoing amendments and remarks, Applicant respectfully requests prompt examination of this application and timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art, with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

If the Examiner believes a telephone conversation might advance prosecution, the Examiner is invited to call Applicant's undersigned attorney at 617-933-4444.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 02-3038.

Respectfully submitted,

Dated: May 16, 2007

By: _____
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